



7020-02

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-937]

Certain Windshield Wipers And Components Thereof

Institution of investigation pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 15, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Valeo North America, Inc. of Troy, Michigan and Delmex de Juarez S. de R.L. de C.V. of Mexico. A letter supplementing the complaint was filed on October 29, 2014. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain windshield wipers and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,891,044 (“the ‘044 patent”) and U.S. Patent No. 7,937,798 (“the ‘798 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by

accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on November 14, 2014, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain windshield wipers and components thereof by reason of infringement of one or more of claims 1, 2, 5, 7, 8, 10-14, 18, 19, and 31-33 of the '044 patent and claims 1-12, 14, and 15 of the '798 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Valeo North America, Inc.

150 Stephenson Highway

Troy, MI 48083

Delmex de Juarez S. de R.L. de C.V.

Avenida de las Torres y calle Intermex #1681

Parque Industiral Intermex

Cd. Juarez, Chihuahua 32640

Mexico

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Trico Products Corporation

3255 West Hamlin Road

Rochester Hills, Michigan 48309

Trico Products

1995 Billy Mitchell Boulevard

Brownsville, TX 78521

Trico Componentes SA de CV

Ave Michigan #200

Matamoros, Tamaulipas

Mexico; and

(3) For the investigation so instituted, the Honorable Thomas B. Pender is designated as the presiding Administrative Law Judge.

The Commission has determined to assign this investigation to Judge Pender, who is the presiding Administrative Law Judge in Certain Windshield Wipers and Components Thereof, Inv. No. 337-TA-928, in view of the overlapping subject matter in the two investigations. The presiding Administrative Law Judge is authorized to consolidate Inv. No. 337-TA-928 and this investigation if he deems it appropriate.

The Office of Unfair Import Investigations will not participate as a party in this investigation. Responses to the complaint and the notice of investigation must be submitted by the named respondents

in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)–(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: November 17, 2014.

Lisa R. Barton,
Secretary to the Commission.